

## APPROVAL OF CONSENT AGENDA

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Bryan Caletka, Council Member / 954-797-1030

**PREPARED BY:** Kristi Caravella, Executive Assistant to the Town Administrator

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** Townwide

**ITEM REQUEST:** Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** OPPOSITION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING THE CONSTRUCTION OF I-595 PRIVATE REVERSIBLE EXPRESS, OR "LEXUS LANES," THAT HAVE BEEN AUTHORIZED FOR CONSTRUCTION BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT).

**REPORT IN BRIEF:** The Florida Department of Transportation is proposing to construct private "lexus lanes" on I-595 that not only would usurp fiscal authority and home rule authority, but also would increase public safety costs at the local level without reimbursement. On March 3, 2009, FDOT signed a P3 agreement with I-595 Express, LLC, a consortium created by ACS Infrastructure Development, who will serve as a "Concessionaire" to design, build, finance, operate and maintain (DBFOM) the project through a 35-year agreement term. A concessionaire is a private sector firm (or firms), formed by one or more equity investors to design, finance, build, maintain and operate a facility under a contractual agreement with a public entity. Town of Davie residents are denied access to this private road upon egress and ingress of the Town. In addition, the Town of Davie was not considered in any of the services associated with the costs of maintaining these "lexus lanes" nor was the Town considered for any reimbursement of costs associated with the maintenance and public safety of these private lanes. This resolution opposes this construction based on the premise that the Town of Davie's public resources are being used for private gains.

**PREVIOUS ACTIONS:** At the May 20, 2009 Town Council meeting this item was tabled to June 3, 2009.

**CONCURRENCES:**

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Motion to approve resolution

**Attachment(s):** Resolution

RESOLUTION \_\_\_\_\_

OPPOSITION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING THE CONSTRUCTION OF I-595 PRIVATE REVERSIBLE EXPRESS, OR "LEXUS LANES," THAT HAVE BEEN AUTHORIZED FOR CONSTRUCTION BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT).

WHEREAS, the residents of the Town of Davie elect the Mayor and members of the Town Council to represent them and provide them with the services that they desire; and

WHEREAS, having been elected by the residents of the Town, the Mayor and Town Council believe that they are in the best position to know and understand what its residents want and need in the way of programs and services; to make the decisions affecting the unique character of the Town by preserving or enhancing the lifestyle enjoyed by its residents; and

WHEREAS, the Mayor and Town Council were elected to ensure that all public resources paid for by taxpayers are spent for public purposes within the Town of Davie; and

WHEREAS, the Florida Department of Transportation has authorized the construction of "lexus lanes" along the I-595 corridor that borders the Town of Davie; and

WHEREAS, the Town Council urges the Florida Department of Transportation to consider the effects of forcing Broward municipalities to use public resources for private gains; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council hereby opposes any private construction along I-595 that would restrict, eliminate or limit in any way home rule authority, which includes the authority of the Town Council to make important local decisions regarding public safety and public resources for its community.

SECTION 2. The Town Council strongly opposes any attempt to limit or eliminate its statutory responsibility to faithfully spend public monies in the best interests of its residents.

SECTION 3. The Town Council urges other neighboring municipalities affected by this construction to oppose the use of public resources for private gains and protect local authority over decisions regarding public safety and public resources for their respective communities.

SECTION 4. The Town Clerk is hereby directed to provide copies of this executed resolution to Governor Crist, Senate President Jeff Atwater, House Speaker Larry Cretul and FDOT Secretary Stephanie C. Kopelousos.

SECTION 5. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009

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MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009